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99-0-1718

**AN ORDINANCE**

**BY COUNCILMEMBER CLAIR MULLER**

**AN ORDINANCE DIRECTING THE DEPARTMENT OF PARKS, RECREATION AND CULTURAL AFFAIRS TO GIVE 365 DAYS NOTICE OF TERMINATING THE CURRENT CONTRACT FOR LEASE OF THE CHASTAIN AMPHITHEATER; AND FOR OTHER PURPOSES.**

**WHEREAS**, Contract **FC-4907-90**. Chastain Park Amphitheater Management Agreement, **was** executed in December of 1990 to continue "until December 31, 2000"; and

**WHEREAS**, the contract specifies that "the parties shall have the option to renegotiate and renew this agreement in **good** faith for two additional five-year periods"; and

**WHEREAS**, the contract specifies **that** if the term is not extended "on terms substantially **as** favorable" to the contractor, **as** contained in **the** original agreement, the "City **shall** pay" the amount of principal remaining for cost of improvements **at** the facility plus interest; and

**WHEREAS**, the contract specifies that the agreement "may be terminated for cause by the City upon **365** days **written** notice"; and

**WHEREAS**, the provision of the contract which allows "during the season" only **4** concerts per week, except for **4** weeks when **5** concerts per week **are** allowed, has been violated in 1998 and 1999 and notice was given; and

**WHEREAS**, the provision of the contract which requires posting of concert days **so** that the adjoining neighbors can schedule their own use of their backyards **on** "no concert evenings" has been violated for several years and notice **was** given; and

**WHEREAS**, the provision of the contract which specifies the "maximum number of hours which live performance level sound may be emitted from the facility" has been violated and notice **has** been given; and

**WHEREAS**, the provision of the contract which states that the contractor require "**all** sub-lessees to utilize (the City's) digital delay system for sound **augmentation** and to utilize said speaker positions **as** the exclusive such system and **positions** for purposes of performance" has been violated; **and**

**WHEREAS**, a maximum decibel level for performances **was** never written into the original contract but **two** sound studies were performed and **a** maximum **of 85** decibels was recommended; and

**WHEREAS**, **traffic** control issues were not written into the original contract.

NOW, THEREFORE, **BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA,**  
GEORGIA as follow:

**SECTION 1:** That the City terminate, for causes listed above, ~~the~~ existing contract with **365 days** written notice and begin the process **of** writing a contract **more** favorable to the City and ~~the~~ city residents ~~who~~ live in close proximity to ~~the~~ Chastain Amphitheater.

**SECTION 2:** That the City **issue** a **Request** for Proposal for ~~the~~ management **and** operation ~~of the~~ Chastain Amphitheater, pursuant to this new contract devised by the City **for the** benefit **of** the City and the citizens of Atlanta.

**SECTION 3:** That all ordinances and parts **of** ordinances in conflict ~~here~~ with **be hereby** repealed.

